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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,523	01/21/2004	Bernd Hildebrand	502901-163	3433
27799	7590	07/21/2005	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			REIS, TRAVIS M	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,523

Applicant(s)

HILDEBRAND ET AL.

Examiner

Travis M. Reis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 7, 8, 11, & 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sauter (U.S. Patent 6557485).

Sauter discloses a pointer instrument (1) comprising a printed circuit board (7)(Figure 2) having an upper side and a lower side; first and second instrument mechanisms (9, 11) independently arranged on said printed circuit board such that the printed circuit board is between the first and second instrument mechanisms; and first and second pointers (col. 2 lines 25-27) having concentric pivoting axes, each of said first and second pointers comprising a radially extending element arranged above said upper side of said circuit board, wherein said first instrument mechanism (9) is above said printed circuit board and acts on said first pointer, said first instrument mechanism comprising a hollow shaft (17) connecting said first instrument mechanism to said first pointer; and said second instrument mechanism (11) is below said printed circuit board and acts on said second pointer, said second instrument mechanism comprising a shaft (19) connecting said second instrument mechanism to said second pointer, said first and second instrument mechanisms having essentially concentric rotational axes, and wherein said shaft of said second instrument mechanism passes through said printed circuit board and through said hollow shaft of said first instrument mechanism(Figure 2); said second instrument mechanism comprising a bracket (27) connecting said second instrument

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mechanisms to said second pointer, said bracket projecting through a cutout (X, see below)



in said printed circuit board, said cutout being an arc, wherein "arc" is defined in Webster's dictionary as "to follow a curved course", and located essentially concentrically with respect to the pivoting axis of said second pointer, said bracket has an area (Y, see below)



pointing radially inwards with respect to the pivoting axes and is above said printed circuit board.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter.

Sauter discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 4, 7, 8, 11, & 12, but does not disclose the arc is a maximum of 90°. However, to choose a maximum of 90° for the path of the arc, absent any criticality, is only considered to be the "optimum" value of the maximum degrees for the path of the arc, as stated above, that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on the desired accuracy and since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. See *In re Boesch*, 205 USPQ 215 (CCPA 1980). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to make the path of the bracket extend along a 90° arc in order to cover a wide range of indication.

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5. Claims 3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter in view of Ohta et al. (U.S. Patent 5529014).

Sauter discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 4, 7, 8, 11, & 12, but does not disclose optical fibers being arranged to illuminate said pointer.

Ohta et al. discloses a car carried indicating device (8) with optical fibers (18) arranged within the pointer (9) in order to illuminate said pointer (Figures 30-33). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add to optical fibers disclosed by Ohta et al. to the pointers disclosed by Sauter in order to be better seen.

6. Claims 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter in view of Breinich et al. (U.S. Patent App. Pub. 20020108555).

Sauter discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 4, 7, 8, 11, & 12, but does not disclose said bracket has a light guide element.

Breinich et al. discloses a display instrument (1) with a light guide (7) used to guide light from a light source (40) to insure reliable readability in the dark (Figure 1) (pg. 1 paras. 0002, 0003, 0017). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light guide disclosed by Breinich et al. in order to insure reliable readability in the dark.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this


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Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Inquiries concerning this, or earlier, communications from the examiner should be directed to Travis M. Reis (571) 272-2249; 8--5 M--F. If unreachable, contact the examiner's supervisor, Diego Gutierrez (571) 272-2245. The fax number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center 866-217-9197 (toll free).

Travis M Reis
Examiner
Art Unit 2859



Diego Gutierrez
Supervisory Patent Examiner
Tech Center Technology Center
2800

CHRISTOPHER W. FULTON
PRIMARY EXAMINER

tmr
July 20, 2005